**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: I-5227

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Wharton

Center coordinates of site (latitude/longitude):

29° 30' 24"N, 96° 01' 35"W

Approximate size of area (parcel) reviewed, including uplands: 50 acres

Name of nearest waterway: San Bernard River

Name of watershed: Sa n Bernard

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 14 November 2005

Date(s): 02 November 2005 and 8 November 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits to be the limits of the limits and the limits of the lim United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Unknown

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 3

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent because they are located within the 100-year flood plain of the San Bernard River, a water of the United States that is navigable downstream and/or are part of a surface tributary system.

FILE NUMBER: I-5227

	FILE NUMBER: 1-5227
ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegeta	ation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineat	ion map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a).  Headquarters declined to approve jurisdiction on the basis of 33  The Corps has made a case-specific determination that the follow United States:  Waste treatment systems, including treatment ponds or lateral Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or directain water and which are used exclusively for such purpose growing.  Artificial reflecting or swimming pools or other small orm by excavating and/or diking dry land to retain water for post Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defining 328.3(a).  Isolated, intrastate wetland with no nexus to interstate con Prior converted cropland, as determined by the Natural Reflection of the purpose of or irrigation ditches excavated on dry I Other (explain):	(1, 2, or 4-7).  CFR part 328.3(a)(3).  wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3.  if the irrigation ceased.  iking dry land to collect and boses as stock watering, irrigation, settling basins, or namental bodies of water created rimarily aesthetic reasons.  construction activity and pits excavated in dry land for natil the construction or excavation operation is nation of waters of the United States found at 33 CFR esources Conservation Service. Explain rationale:
VIEWED FOR JURSIDICTIONAL DETERMINATION (maps, plans, plots or plat submitted by or on behalf of the applicant at a sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated plant of the concurs with the delineation report, dated plant of the concurs with the delineation report, dated plant of the concurs with the delineation report, dated plant of the concurs with the delineation report, dated plant of the concurs of the co	orepared by (company): , prepared by (company):  rd, Tx  ton County, Texas  April 18, 1983
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:    Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation shelving other:    Wetland boundaries, as shown on the attached wetland delineat store reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a). Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follow united States:    Waste treatment systems, including treatment ponds or lateration and Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or dretain water and which are used exclusively for such purrice growing. Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for p Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defin 328.3(a). Isolated, intrastate wetland with no nexus to interstate con Prior converted cropland, as determined by the Natural Reflection of the presence of the applicant as sheets prepared/submitted by or on behalf of the applicant as sheets prepared/submitted by or on behalf of the applicant as sheets prepared/submitted by or on behalf of the applicant as sheets prepared/submitted by or on behalf of the applicant as sheets prepared by the Corps.    This office does not concur with the delineation report, dated that sheets prepared by the Corps.    This office does not concur with the delineation report, dated the sheets prepared by the Corps.    Geological Survey Hydrologic Atlas:   Geological Survey T.5 Minute Historic quadrangles:   Geological Survey T.5 Minute Historic quadrangles:   Geological Survey T.5 Minute Historic quadrangles:   Geological Survey T.5 Minute Historic quadra

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 22037(01)** 

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

UTM15, 313000E, 326400N

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Dickinson Bay

Name of watershed: Dickinson Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 December 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Dickinson Bay is a navigable water of the U.S. subject to the dialy tide

FILE NUMBER: 22037(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Texas City U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17869

## PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 28° 59' 59"N, 95° 13' 58"W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Christmas Bay Name of watershed: Christmas Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 15 December 2005 Site visit(s) Date(s): 15 December 2005

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
• /

- Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
    - Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
  - (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands <sup>1</sup>
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1)or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The USGS topographic map indicates a navigable water of the United States, Christmas Bay, on the northern boundary of the project area. The FEMA floodplain map indicates that the project area lies within the 100 year floodplain of Christmas Bay (Zone VE). Review of the Brazoria County Soil Survey indicates that fill appears to have been placed within the project boundaries prior to 1974. Data points A and B were taken within the project boundary. Data point A did not indicate the presence of a wetland area. Data point B indicated the presence of areas that meet the three criteria (hydrophytic vegetation, hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers 1987 Wetland Delineation Manual, therefore, identifying adjacent wetlands to Christmas Bay a navigable water of the United States.

FILE NUMBER: D-17869

La	Ordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Diagram of the presence of litter and debris   Diagram of the presence of the character of soil   Diagram of the character of soil   Diagra
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
<b>医圆型区图图区图区图区图图图区图</b>	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Tx  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey: Brazoria, TX  National wetlands inventory maps: Christmas Point, Quad 1989  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Panel: 48039C0675 I (May 4, 1992)  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): Christmas Point, TX DOQQ -1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 15 December 2005  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-06-07-003

PROJECT LOCA	ATION INFORMA	TION:
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State: Texas County: Fort Bend

Center coordinates of site (latitude/longitude): UTM15, 263780E, 3273029N

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Clear Creek Name of watershed: Clear Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 9 January 2006

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Ditch "A" is a tributary of Clear Creek, which becomes a navigable water of the U.S. downstream (See D-13003)

FILE NUMBER: SWG-06-07-003 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg Oliver **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): see D-13003 This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Almeda, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-16752 PROJECT LOCATION INFORMATION: State: Texas County: Brazoria Center coordinates of site (latitude/longitude): 29° 34' 14"N, 95° 22' 53"W Approximate size of area (parcel) reviewed, including uplands: Unknown. Name of nearest waterway: Clear Creek Name of watershed: West Galveston Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 18 January 2006 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Unknown. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area contains an un-named tributary that flows into Clear Creek. Clear Creek is a water of the United States that is navigable and subject to the ebb and flow of the daily tide downstream.

FILE NUMBER: D-16752 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the data forms, dated , prepared by (company): This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): Data sheets prepared by the Corps.
Corps' navigable waters' studies:
U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topogr
U.S. Geological Survey 7.5 Minute Historic
U.S. Geological Survey 15 Minute Historic U.S. Geological Survey 7.5 Minute Topographic maps: Almeda and Pearland, Tx U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Brazoria County, Texas National wetlands inventory maps: Almeda and Pearland, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 48039C0010 I and 48039C0030 I (September 22, 1999) 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Infrared Aerial Photograph/DOQQ - Almeda and Pearland, TX-1995 Other photographs (Date):1944, 1965, 1977, and 1986 Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-17899

# PROJECT LOCATION INFORMATION:

State: Texas
County: Brazoria

Center coordinates of site (latitude/longitude): 29° 11′ 48″N, 95° 28′ 40″W

Approximate size of area (parcel) reviewed, including uplands: Unknown

Name of nearest waterway: Oyster Creek Name of watershed: Oyster Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 20 Dec 05
Site visit(s) Date(s): 20 Dec 05

## Jurisdictional Determination (JD):

- Preliminary JD Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
- Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

    Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

  (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.
- 3. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The 1979 and 1995 CIR aerial photographs indicate that the project area is located along FM 521, northwest of Angleton, Brazoria County, Texas. The USGS topographic map indicates a water of the United States, Oyster Creek, is located southwest of the project area. The NWI map indicates that the project area appears to be in the upland range. The FEMA floodplain map indicates that the project area lies outside the 100 year floodplain of Oyster Creek (Zone X). The infrared photos do appear to contain potential wetland features within the project boundaries that meet the three criteria (hydrology, hydric soils, and hydrophytic vegetation) of a wetland as outlined in the 1987 Corps of Engineers Wetland Delineation Manual. The 20 December 2005 site visit identified a shallow man-made drainage ditch along the eastern boundary of the project area. This ditch appears to be constructed out of uplands and during the construction of FM 521. It also appears that the darker signatures on the infrared photos, identifying potential wetlands, were from trees that were located along the eastern end of the project boundary. It appears that the trees have recently been removed. Therefore, there is no evidence of either wetlands or waters of the United States present on the property and thus no Department of the Army permit will be required.

FILE NUMBER: D-17899

La 違	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris the presence of litter and debris the character of soil physical markings/characteristics destruction of terrestrial vegetation shelving other:  This parts 328 and 329)  High Tide Line indicated by:  Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
證	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<b>E</b>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Angleton, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey: Brazoria County, TX  National wetlands inventory maps: Angleton, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Panel: 48039C0430 H (June 5, 1989)  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 20 Dec 05  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTR FILE N	ICT OFFICE: CESWG-PE-RC IUMBER: D-17862
Sta Co Ce Ap Na	Ate: Texas unty: Harris County nter coordinates of site (latitude/longitude): 29° 52' 14"N, 95° 22' 38"W (NAD83) proximate size of area (parcel) reviewed, including uplands:
JURISI Co	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
52	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
3	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (iii) from which fish or shellfish are or could be taken and sold in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-17862 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects
fine shell or debris deposits (foreshophysical markings/characteristics clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated \_, prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Houston Heights, Tx. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: National Wetland Inventory map Houston Heights, Tx. 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 660 of 1135, Revised April 20, 2000. 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Settegast DOOO Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston **FILE NUMBER:** D-18179

PROJE	CT LOCATION IN	NFORMATION:		
	ite: Texas			
	unty: Hidalgo			
Ce	nter coordinates of si	ite (latitude/longitud	le):	26.26N 98.19W
Ap	proximate size of are	ea (parcel) reviewed	. including	g uplands: 9.7 acres
Na	me of nearest waterv	way: Rio Grande	,	5 aprairate. 7.7 acres.
	me of watershed:	South Laguna Mad	fre	
		g		
JURISI	DICTIONAL DETE	ERMINATION		
	mpleted: Desktop		X	Date: 23 January 2006
	Site visit		⊠ □	
	Site visit	.(3)		Date(s):
Jui	risdictional Determi	ination (JD):		
$\boxtimes$	Preliminary JD - B	ased on available in	formation	, $\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the
	United States" and	or "navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR	R part 331).	or the c	med states on the project site. A preliminary 1D is not appearable
	,			
	Approved JD - An	approved JD is an a	nnealable	action (Reference 33 CFR part 331).
	Check all that appl	V;	-pp-unuore	action (reference 33 of K part 331).
	••	•		
	There are "navi	igable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area.	Approximate size o	f jurisdict	ional area.
			- jui isuici	ionar area.
	There are "wate	ers of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Ap	proximate size of ju	risdictiona	I area:
	• •			
	There are "isolo	ated, non-navigable	intra-stat	te waters or wetlands" within the reviewed area.
	3	Decision supported	by SWA1	NCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.		The first of the fear mornation sheet for Determination of No
BASIS (	OF JURISDICTION	NAL DETERMINA	TION:	
Α.	Waters defined un	ider 33 CFR part 3	29 as "na	vigable waters of the United States":
35	The presence of war	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
	the past, or may be	susceptible for use t	o transpor	t interstate or foreign commerce.
	. , ,		o transpor	i merstate or foreign commerce.
В.	Waters defined un	ider 33 CFR nart 3	28.3(a) as	"waters of the United States":
20	(1) The presence of	waters, which are c	urrently us	sed, or were used in the past, or may be susceptible to use in
	interstate or foreign	commerce, includir	ng all wate	ers which are subject to the ebb and flow of the tide.
	(2) The presence of	interstate waters inc	cluding in	rerstate wetlands 1
1	(3) The presence of	other waters such a	s intrastate	e lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands,	sloughs, prairie not	holes, wet	meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which	h could affect interst	tate comm	erce including any such waters (check all that apply):
	(i) which are or	r could be used by in	iterstate o	r foreign travelers for recreational or other purposes.
	(ii) from which	ifish or shellfish are	or could	be taken and sold in interstate or foreign commerce.
	(iii) which are	or could be used for	industrial	purposes by industries in interstate commerce.
	(4) Impoundments (	of waters otherwise	defined ac	waters of the US
3	(5) The presence of	a tributary to a water	er identifia	d in $(1) = (4)$ shows
38	(6) The presence of	territorial seas	, identific	a ii (1) (4) auuve.
100	(7) The presence of	wetlands adjacent <sup>2</sup>	to other w	aters of the US, except for those wetlands adjacent to other wetlands.
222.3	(.) The presence of	cianas aujacent	o ouici w	acts of the 03, except for those wetlands adjacent to other wetlands.
D 4				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-18179

	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  I true Tide Line indicated by:  I High Tide Line indicated by:  Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages  other:
3	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
⋈	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): TNRIS, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-12436/2

## PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29-52-28.7523 N Long: 95-39-0.6899 W

Approximate size of area (parcel) reviewed, including uplands: 15 acres.

Name of nearest waterway: Langham Creek

Name of watershed: Buffalo Bayou-San Jacinto River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 23 January 2006

Site visit(s) Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Ta	staral E	Extent of Inviediations (Defenses 22 CED	•••	FILE NUMBER: D-12430
i i	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and nary High Water Mark indicated by:	329) TT:~1	L Tide I the fields as 11
		clear, natural line impressed on the bank	High	h Tide Line indicated by:
	Ħ	the presence of litter and debris	님	oil or scum line along shore objects
	Ħ	changes in the character of soil	님	fine shell or debris deposits (foreshore)
	H	destruction of terrestrict and state	닏	physical markings/characteristics
		destruction of terrestrial vegetation	Ш	tidal gages
		shelving	$\sqcup$	other:
	Ш	other:		
	Mean	n High Water Mark indicated by:		
300	☐ sı	urvey to available datum;  physical markings;  veget:	ation	lines/changes in vegetation types.
		and boundaries, as shown on the attached wetland delineat		
Ba	sis For	Not Asserting Jurisdiction:		
	Unah	eviewed area consists entirely of uplands.		4.5
51	Head	le to confirm the presence of waters in 33 CFR part 328(a)	(1, 2, 0)	, or 4-7).
573	The C	quarters declined to approve jurisdiction on the basis of 33	CFR	( part 328.3(a)(3).
		Corps has made a case-specific determination that the follo ed States:	wing	waters present on the site are not Waters of the
				22 CPD 42002
	ă	Waste treatment systems, including treatment ponds or l Artificially irrigated areas, which would revert to upland	agooi	ns, pursuant to 33 CFR part 328.3.
	Ħ	Artificial lakes and ponds created by excavating and/or of	l II III dilcina	e irrigation ceased.
	_	retain water and which are used exclusively for such pur	noces	g dry rand to confect and
		rice growing.	poses	s as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small or	name	ental hodies of water created
		by excavating and/or diking dry land to retain water for	nrima	arily aesthetic reasons
		Water-filled depressions created in dry land incidental to	cons	struction activity and nits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless and u	ıntil t	the construction or excavation operation is
		abandoned and the resulting body of water meets the def	initio	on of waters of the United States found at 33 CFR
		328.3(a).		or waters of the officed States found at 35 Cf R
		Isolated, intrastate wetland with no nexus to interstate co	mme	erce.
		Prior converted cropland, as determined by the Natural F	Resou	rces Conservation Service. Explain rationale:
	П	Non-tidal drainage or irrigation ditches excavated on dry	land	Evaloin actionals
		Other (explain):	ianu	. Explain fationale:
		` '		
DATA F	REVIE	WED FOR JURSIDICTIONAL DETERMINATION (1		all that annia.
M	Maps.	plans, plots or plat submitted by or on behalf of the applic	iliäl K	can that apply):
	Data s	heets prepared/submitted by or on behalf of the applicant.	ant.	
2400	Пт	his office concurs with the delineation report, dated, prepare	ared l	hy (company):
	□ Ti	his office does not concur with the delineation report, dated	arcu i	, prepared by (company):
	Data s	heets prepared by the Corps.		, prepared by (company).
		'navigable waters' studies:		
		Geological Survey Hydrologic Atlas:		
*	U.S. G	eological Survey 7.5 Minute Topographic maps: Cypress,	Tex.	and Addicks Tex Photorevised 1980
<b>M</b>	U.S. G	Seological Survey 7.5 Minute Historic quadrangles:	,	and radious, real ratio of the ratio
	U.S. G	Geological Survey 15 Minute Historic quadrangles:		
50	USDA	Natural Resources Conservation Service Soil Survey:		
\$2.0		al wetlands inventory maps:		
		Local wetland inventory maps:		
<u> </u>		/FIRM maps (Map Name & Date):		
60	100-ye	ear Floodplain Elevation is: (NGVD)		
<u>×</u>	Aerial	Photographs (Name & Date): 1995 Infrared Aerial		
		photographs (Date):		
	Advan	ced Identification Wetland maps:		
		sit/determination conducted on:		
		able/supporting case law:		
	Other i	nformation (please specify).		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CFSWG-PE-DC

U.S. Army Corps of Engineers

FILE	NUMBER: D-17861
St Co Ce Ap Na	ate: Texas punty: Harris County enter coordinates of site (latitude/longitude): 29° 55' 51"N, 95° 18' 05"W (NAD83) exproximate size of area (parcel) reviewed, including uplands: 1.0 acres. enter of nearest waterway: Greens Bayou enter of watershed: Buffalo-San Jacinto
JURISI Co	mpleted: Desktop determination Date: 23 January 2006 Site visit(s) Date(s):
Ju	risdictional Determination (JD):
E. S.	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
8	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.
<b>E</b>	(6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	2
La	FILE NUMBER: D-17861  teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  FILE NUMBER: D-17861  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Humble, Tx.  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional Survey 15 Minute Historic quadrangles:  U.S. Atlantal Resources Conservation Service Soil Survey:  National wetlands inventory maps: National Wetland Inventory map Humble, Tx. 1999  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 495 of 1135, Revised November 06, 1996.  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Humble, Tx. DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE PROJ S	RICT OFFICE: Galveston NUMBER: D-16384/0/1 IECT LOCATION INFORMATION: tate: Texas County: Harris Center coordinates of site (latitude/longitude): Site 1 29° 48' 29"N. 94° 54' 56"W
A N	Site 1 29° 48' 29"N, 94° 54' 56"W  Site 2 29° 48' 40"N, 94° 56' 03"W  pproximate size of area (parcel) reviewed, including uplands: _n/A acres.  ame of nearest waterway: Cedar Bayou  ame of watershed: North Galveston Bay
C	SDICTIONAL DETERMINATION completed: Desktop determination
Jı	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:N/A
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. <b>※</b> ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■ ■	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.
	<ul> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>
Kati	onale for the Basis of Jurisdictional Determination (applies to any boyes checked above). If the investigation

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: McGee Gully is a tributary to Cedar Bayou a tidal water of the United States.

FILE NUMBER: D-16384/01

La E	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Associate  Associate	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated _December 27, 2005, prepared by (company): Berg Oliver s, Inc.  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Tiopographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles: Mont Belvieu  USDA Natural Resources Conservation Service Soil Survey: Harris County Soil Survey  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): 48201C0765J 48201C0770J 48201C0775J  100-year Floodplain Elevation is:  Aerial Photographs (Name & Date): 1995 DOQQ  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 12/13/05  Applicable/supporting case law:  Other information (please specify): Consultant's report

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

	NUMBER:	Galveston D-18070					
St	ECT LOCATION ate: Texas						
Ap Na	proximate size of	of site (latitude/longitud area (parcel) reviewed terway: Taylor Bayou West Galveston B	, including	Site 2	29° 35' 46"N	, 95° 02' 24"W , 95° 01' 35"W	
JURIS Co	mpleted: Deskt	TERMINATION top determination risit(s)	⊠ ■	Date: Date(s):	01/23/06		
Ju	risdictional Deter	rmination (JD):					
8	Preliminary JD	- Based on available in and/or "navigable water	formation rs of the U	, 🛭 there nited State	appear to be (or) [ss" on the project si	there appear to be no te. A preliminary JD is	"waters of the not appealable
Ø	Approved JD – Check all that ap	An approved JD is an apply:	appealable	action (Re	eference 33 CFR pa	rt 331).	
	There are "n the reviewed are	avigable waters of the ea. Approximate size o	United Sta f jurisdicti	ntes" (as de ional area:	efined by 33 CFR p	art 329 and associated g	uidance) within
	There are "wreviewed area.	vaters of the United Sta Approximate size of just	tes" (as d	efined by 3	33 CFR part 328 an 11-acres	d associated guidance) v	vithin the
	There are "is	solated, non-navigable, Decision supported Jurisdiction.	, intra-stat by SWAN	e waters of	r wetlands" within a atory Bird Rule Info	the reviewed area. ormation Sheet for Deter	rmination of No
BASIS ( A.	Waters defined The presence of	ONAL DETERMINA under 33 CFR part 3 waters that are subject to be susceptible for use to the susceptible for use the susc	29 as "nav to the ebb	and flow c	f the tide and/or are	nresently used or have	been used in
B.	(1) The presence	under 33 CFR part 33 of waters, which are clien commerce, including	urrently us	ed or wer	e used in the nost o	r more ha avecantille to	use in
	(3) The presence sandflats, wetland destruction of wh	us, slougns, prairie pot nich could affect interst	sintrastate holes, wet ate comme	erstate wet lakes, rive meadows, erce includ	lands'. ers, streams (includ playa lakes, or nati ing any such water	ing intermittent streams; aral ponds, the use, degrees (check all that apply):	), mudflats, adation or
	(i) which are	or could be used by in ich fish or shellfish are	iterstate or or could b	foreign tra	avelers for recreation	onal or other purposes.	
m	(III) which a	re or could be used for	industrial	purposes b	v industries in inte	rstate commerce.	
	(4) impounament	ts of waters otherwise of a tributary to a wate	lefined as	waters of t	he US.		
	(6) The presence	of territorial seas.					
	(/) The presence	or wetrands adjacent' t	o other wa	iters of the	US, except for thos	se wetlands adjacent to o	other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands immediately adjacent and located in the 100-yr Floodplain of Taylor Bayou, a navigable water of the United States.

FILE !	NUMBER:	D-18070		
L.	clear, nate the preser changes i	furisdiction: (Reference: Water Mark indicated by ural line impressed on the ace of litter and debris in the character of soil in of terrestrial vegetation	/: e bank	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
X	Mean High Wa ☐ survey to av	ter Mark indicated by: railable datum;	cal markings; 🛛 vegeta	tion lines/changes in vegetation types.
×	Wetland bound Turner Collie &	aries, as shown on the att : Braden	ached wetland delineation	on map and/or in a delineation report prepared by:
Ba Ba Ga Sa	The reviewed ar Unable to confir Headquarters de The Corps has r United States:  Waste tr Artificia retain wa rice grow Artificial by excav Water-fil the purpo abandone 328.3(a). Isolated, Prior con	eatment systems, including a lakes and ponds created atter and which are used eving.  I reflecting or swimming atting and/or diking dry lated depressions created it is of obtaining fill, sand and the resulting body intrastate wetland with neverted cropland, as determed trainage or irrigation di	s in 33 CFR part 328(a)(ction on the basis of 33 crmination that the following treatment ponds or lawould revert to upland by excavating and/or dixclusively for such purpools or other small ornand to retain water for pindry land incidental to or of water meets the definonexus to interstate commined by the Natural Remains of 33 cm.	CFR part 328.3(a)(3).  Iving waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3.  If the irrigation ceased.  Isking dry land to collect and coses as stock watering, irrigation, settling basins, or amental bodies of water created rimarily aesthetic reasons.  Construction activity and pits excavated in dry land for atil the construction or excavation operation is nition of waters of the United States found at 33 CFR manerce.
	Data sheets prepa This office of This office of This office of Data sheets prepa Corps' navigable U.S. Geological S U.S. Hational Wetlands State/Local Wetlands State/Local Wetlands FEMA/FIRM map 100-year Floodpla Aerial Photographs Advanced Identifi Site visit/determin Applicable/suppor	pred by the Corps. waters' studies: burvey Hydrologic Atlas: burvey 7.5 Minute Topog burvey 15 Minute Historic sources Conservation Ses inventory maps: League and inventory maps: bus (Map Name & Date): bus (Name & Date): bus (Date): Site photos cation Wetland maps: ation conducted on:	on benair of the applicant ehalf of the applicant. on report, dated _Dec 20 elineation report, dated _raphic maps: ic quadrangles: League 6 ervice Soil Survey: Harrie City  48201C1085 J, Nov 6	of, prepared by (company): TC&B, prepared by (company):  City s County Soil Survey

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE: CESWG** 

		: SWG-06			
Sta Cor Cer Ap	te: unty: nter coord proximate	Texas Galvesto inates of s size of are rest watery	ite (latitude/longi ea (parcel) review	tude): /ed, includin ico & Gulf l	Latitude 29° 31' 09"N; Longitude 94° 28' 24"W ng uplands: 25 acres. Intracoastal Waterway 12040202
			CRMINATION determination (s)	<b>⊠</b>	Date: 24 January 2006 Date(s):
Jur	risdictiona	al Determ	ination (JD):		
×	United S	States" and	ased on available for "navigable was R part 331).	e information aters of the U	n, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		ed JD – Ar ll that appl		ın appealabl	e action (Reference 33 CFR part 331).
	There	e are "nav ewed area.	igable waters of t Approximate siz	he United S se of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There reviewed	<i>e are</i> "wat d area. Ap	ers of the United proximate size of	States" (as f jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area:
	■ There	e are "isoi	ated, non-naviga Decision suppor Jurisdiction.	ble, intra-sta rted by SWA	ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters of The pres	<b>defined u</b> ence of wa	ters that are subj	rt 329 as "n ect to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) The p	presence of corresponding presence of corres	f waters, which an a commerce, inclif interstate waters f other waters suc , sloughs, prairie th could affect into could be used the fish or shellfish	re currently uding all wa is including in the as intrasta potholes, we terstate common y interstate are or could	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.  Interstate wetlands.  Interestate wetla

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site, which is in the 100 year flood plain is adjacent to the Gulf Intracoastal Waterway, a navigable water.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG-06-14-004 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: High Island, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: PEM1A State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Galveston County, Texas Panel No: 485470 0070 F Revised 5 July 1993 100-year Floodplain Elevation is: 18 feet (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Other information (please specify): Wetland delineation has been submitted for verification by Compliance Section.

Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 22096(02)

FILE N	NUMBER: 22096(02)					
Sta Co Ce Ap Na	CCT LOCATION INFORMATION:  ate: Texas  bunty: Calhoun  ater coordinates of site (latitude/longitude): Latitude: 28° 35; 43"N; Longitude: -96° 37' 11"W  approximate size of area (parcel) reviewed, including uplands: acres.  are of nearest waterway: Harbor of Refuge (West Matagorda Bay)  are of watershed: West Matagorda Bay Huc: 12100402					
JURISI Co	DICTIONAL DETERMINATION  mpleted: Desktop determination					
Ju	risdictional Determination (JD):					
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
BASIS (A.	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):					

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	ateral ]	Extent of Jurisdiction: (Reference: 33 CFR parts 32	) 8 and 2	20)	FILE NUMBER: 22096(0)
	Ord	linary High Water Mark indicated by:	o allu 3	49) ∐:~L	A Trial Time to the control of
		clear, natural line impressed on the bank			h Tide Line indicated by:
		the presence of litter and debris		님	on or seam fine along shore objects
	一百	changes in the character of soil		닏	fine shell or debris deposits (foreshore)
		destruction of terrestrial vegetation		$\sqcup$	physical markings/characteristics
	Ħ	shelving			tidal gages
	片	shelving other:			other:
		omer.			
	Mea	n High Water Mark indicated by:			
	☐ s	survey to available datum;   physical markings;	vegetat	ion 1	lines/changes in vegetation tomos
•	<b></b>	land boundaries, as shown on the attached wetland de	enneamo	n m	nap and/or in a delineation report prepared by:
Ba	asis For	Not Asserting Jurisdiction:			
	Unah	reviewed area consists entirely of uplands.			
		ple to confirm the presence of waters in 33 CFR part	328(a)(1	, 2,	or 4-7).
		Iquarters declined to approve jurisdiction on the basis	s of 33 C	FR	part 328.3(a)(3).
	1110	Corps has made a case-specific determination that the ed States:	e follow	ing v	waters present on the site are not Waters of the
			da on loa		22 GDD
		Waste treatment systems, including treatment pone	us or lag	goon Cal	is, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating an	upianu i nd/or dil	i ine	e imigation ceased.
		retain water and which are used exclusively for sur	ch pum	cing	gury land to collect and
		rice growing.	cii pui pe	)SCS	as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other sn	nall orna	mer	ental hodies of water created
	_	by cheavailing and/or diking dry land to retain water	er for ne	mar	rily a goth atic
		water-inted depiessions created in dry land incide	ntal to c	onet	truction activity and nite and a to the total
		the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).	เลทก แทเ	'II th	ne construction or organistics
		(-).			
	Ö	Isolated, intrastate wetland with no nexus to interst Prior converted cropland, as determined by the Nat	ate com	mer	ice.
	H	Non-tidal drainage or irrigation ditches excavated of	on dry la	nd.	Explain rationale:
	Ц	Other (explain):			
DATA F	REVIE	WED FOR JURSIDICTIONAL DETERMINATION OF THE PROPERTY OF THE COMPANY OF THE PROPERTY OF THE PRO	ON (		Wat a second
-	maps,	platis, plots of plat sublifiting by or on behalf of the	annlican	IFK 8 t	all that apply):
	Data S	neets prepared/submitted by or on behalf of the appli	cant	ι.	
	II	Ills Office concurs with the delineation report dated	-	rena	ared by (company):
		his office does not concur with the delineation report	dated	сра	, prepared by (company):
	Data Si	neets prepared by the Corps.			, propared by (company).
Ø	Corps'	navigable waters' studies:			
	U.S. G	eological Survey Hydrologic Atlas:			
肾	U.S. G	eological Survey 7.5 Minute Topographic maps: Por	t Lavaca	Eas	ıst, Texas
H	U.S. U	cological Survey /.5 Minute Historic quadrangles.			,
H	U.S. G	eological Survey 15 Minute Historic quadrangles:			
H	Notice	Natural Resources Conservation Service Soil Survey	y:		
불	State/I	al wetlands inventory maps:			
H	SIGIE/L	ocal wetland inventory maps:			
H	100-v~	/FIRM maps (Map Name & Date):			
	Aerial 1	ar Floodplain Elevation is: (NGVD) Photographs (Name & Date):			
Ħ	Othern	photographs (Name & Date):			
Ħ	Advanc	ced Identification Wetland maps:			
Ħ	Site vis	sit/determination conducted on:			
固	Applica	able/supporting case law:			
	Other in	nformation (please specify): Original Action			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** 

#### **FILE NUMBER: SWG-06-07-005** PROJECT LOCATION INFORMATION: State: Texas County: Fort Bend Center coordinates of site (latitude/longitude): Latitude 29° 31' 18"N; Longitude 95° 46' 10"W (NAD 27) Approximate size of area (parcel) reviewed, including uplands: 26 acres. Name of nearest waterway: Dry Creek Name of watershed: Lower Brazos Huc: 12070104 JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 24 January 2006 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Dry Creek flows to Smithers Lake, which flows to Rabbs Bayou. Rabbs Bayou is a tributary of Big Creek, which is a tributary of the Brazos River, a navigable water of the U.S.

2 **FILE NUMBER: SWG-06-07-005** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Plans submitted by Applicant Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased.  $\Box$ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Richmond, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): D-16620 verification on Dry Creek

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

FILE !	NUMBER: D-17193
Sta Co Ce Ap Na	ate: Texas punty: Harris County enter coordinates of site (latitude/longitude): 29° 48' 49"N, 95° 41' 57"W (NAD83) eproximate size of area (parcel) reviewed, including uplands: 1.1 acres. enter of nearest waterway: South Mayde Creek enter of watershed: Buffalo-San Jacinto
JURISI Co	mpleted: Desktop determination Site visit(s)  Date: 24 January 2006 Date(s):
Ju	risdictional Determination (JD):
4.3	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS C	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area contains a tributary of South Mayde Creek. South Mayde Creek flows into Bear Creek. Bear Creek is a tributary of Buffalo Bayou. Buffalo Bayou is a part of the Houston Ship Channel and is a navigable water of the United States.

FILE NUMBER: D-17193 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated \_\_\_\_\_ \_\_, prepared by (company): This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995, 1955, and 1918 Addicks, Tx. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: National Wetland Inventory map Addicks, Tx. 1999 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 605 and 615 of 1135, Revised 06 Nov 1996. 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Addicks, Tx. DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston FILE NUMBER: 24060 PROJECT LOCATION INFORMATION: State: Texas County: Nueces Center coordinates of site (latitude/longitude): 27 40 24.1666; 97 18 24.3373 Approximate size of area (parcel) reviewed, including uplands: 1.02 acre. Name of nearest waterway: Oso Bay Name of watershed: South Corpus Christi Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 25 Jan 2006 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: Mattheware "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.012 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas [ (iii) which are or could be used for industrial purposes by industries in interstate commerce. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in tidal waters of Oso Bay.

#### FILE NUMBER: 24060

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: hydrophytic vegetation
×	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u> </u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NE, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey:  National wetlands inventory maps: Oso Creek NE, Texas  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USDA, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-17125

## PROJECT LOCATION INFORMATION:

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

Lat: 29-36-37.3566 N

Long: 95-19-24.4977 W

Approximate size of area (parcel) reviewed, including uplands: 4 acres.

Name of nearest waterway: Clear Creek Name of watershed: West Galveston Bay

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 25 January 2006

Date(s):

#### Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limits to be the limits and the limits are the limits and the limits are the limi United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: unknown.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

L	_ateral ]	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	1 220	FILE NUMBER: D-1712
Į.	Ord	linary High Water Mark indicated by:	1 329	9)
. <del></del>		clear, natural line impressed on the bank	Hi	ligh Tide Line indicated by:
	Ħ	the presence of litter and debris	ᆫ	oil or scum line along shore objects
	H	Changes in the character of the	L	fine shell or debris deposits (foreshore)
	Ħ	changes in the character of soil		physical markings/characteristics
		destruction of terrestrial vegetation		itidal gages
		shelving	F	other:
	Ц	other:	_	
8	Mea	n High Water Mark indicated by:		
		survey to available datum; D physical markings; vege		
	Wetl	and boundaries, as shown on the attached wetland delinea	tion 1	map and/or in a delineation report prepared by:
		Not Asserting Jurisdiction: reviewed area consists entirely of uplands.		
	Unab Head	ole to confirm the presence of waters in 33 CFR part 328(a	)(1, 2	2, or 4-7).
7	The (	quarters declined to approve jurisdiction on the basis of 33	GEI	R part 328.3(a)(3).
		Corps has made a case-specific determination that the followed States:		
	R	Waste treatment systems, including treatment ponds or	lagoc	oons, pursuant to 33 CFR part 328.3.
		Third any inigated areas, which would revert to unland	1 if th	the irrigation cased
	<u></u>	Artificial lakes and ponds created by excavating and/or	dikin	ng dry land to collect and
		retain water and which are used exclusively for such purice growing.	rpose	es as stock watering, irrigation, settling basins, or
		Artificial reflecting or swimming pools or other small of	rnam	nental bodies of water created
	$\boxtimes$	by excavalling and/or diking dry land to retain water for	nrim	narily aesthetic roosons
		Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and a shandoned and the resulting hadren of	intil 1	the construction or avanting and and
		328.3(a).	initio	ion of waters of the United States found at 33 CFR
	H	Isolated, intrastate wetland with no nexus to interstate co	mme	nerce.
	Ц	Prior converted cropland, as determined by the Natural F	Resou	ources Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry	land	id. Explain rationale:
	Ц	Other (explain):		•
DATA F	REVIEV	WED FOR JURSIDICTIONAL DETERMINATION (		
W E	maps,	plans, plots of plat submitted by or on behalf of the applic	mark ant.	K all that apply):
50	Data si	neets prepared/submitted by or on behalf of the applicant		
		nis office concurs with the delineation report, dated	prep	epared by (company):
	Data si	his office does not concur with the delineation report, dated theets prepared by the Corps.	1	, prepared by (company):
	Corps'	navigable waters' studies:		
And the state of t	U.S. G	eological Survey Hydrologic Atlas:		
<b>2</b>	U.S. G	eological Survey 7.5 Minute Topographic maps: Pearland	Tex	x. 1982
	U.S. G	eological Survey 7.5 Minute Historic quadrangles		
576	U.S. G	eological Survey 15 Minute Historic quadrangles:		
77.4	Nationa	Natural Resources Conservation Service Soil Survey: al wetlands inventory maps:		
	State/L	ocal wetland inventory maps:		
×	FEMA/	FIRM maps (Map Name & Date): Harris County FIRM P	anel	1 1030 of 1135 dated 20 April 2000
200	100-90	m r roodplain Elevation is: (NGVD)		51 1155 amou 20 April 2000
	Acrial I	Photographs (Name & Date): 1995 Infrared Aerial shotographs (Date):		
富	Advanc	ed Identification Wetland maps:		
	Site vis	it/determination conducted on:		
23	Applica	able/supporting case law:		
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: 24084

PROJECT	LOCA	MOIT	INFO	RMATION:
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State:

Texas

County:

ounty: Chambers

Center coordinates of site (latitude/longitude):

29.6436N; 94.7004W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Trinity Bay Name of watershed: Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

 Image: Control of the control of the

Date: 25 Jan 06

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24084

Lateral   Ord	Extent of Jurisdiction: (Reference: 33 CFR parts linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	### 328 and 329)    High Tide Line indicated by:   oil or scum line along shore   fine shell or debris deposits   physical markings/characte   tidal gages   other:	(foreshore)
Mea □ s	nn High Water Mark indicated by: survey to available datum;  physical markings;	vegetation lines/changes in vegetation t	ypes.
***************************************	land boundaries, as shown on the attached wetland		
The I Unable Head The G	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR padquarters declined to approve jurisdiction on the bate Corps has made a case-specific determination that ed States:  Waste treatment systems, including treatment partificially irrigated areas, which would revert artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land incent the purpose of obtaining fill, sand, or gravel unlabandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to intent Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavated Other (explain):	asis of 33 CFR part 328.3(a)(3).  If the following waters present on the site are conds or lagoons, pursuant to 33 CFR part 3 to upland if the irrigation ceased.  If and/or diking dry land to collect and such purposes as stock watering, irrigation or small ornamental bodies of water created vater for primarily aesthetic reasons.  Idental to construction activity and pits excelless and until the construction or excavation to the definition of waters of the United Statestate commerce.  Natural Resources Conservation Service. Expenses	28.3. , settling basins, or avated in dry land for operation is tes found at 33 CFR
Data s  Data s  Corps' U.S. G	WED FOR JURSIDICTIONAL DETERMINA plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the ap his office concurs with the delineation report, date his office does not concur with the delineation report his office does not concur with the delineation report heets prepared by the Corps. navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles had Natural Resources Conservation Service Soil Sur had wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: Local wetland inventory maps: Local wetland inventory maps: Local Honor Map Name & Date): hotographs (Name & Date): photographs (Date): ced Identification Wetland maps: sit/determination conducted on: able/supporting case law: information (please specify):	he applicant.  pplicant.  d , prepared by (company):  ort, dated , prepared by (company):  Oak Island, Texas  5:	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: 24050

State: Texas County: Polk

Center coordinates of site (latitude/longitude): Lat: 30.50.30 Long; 95.04.54

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 25 January 2006

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24050

La E	teral Extent of Jurisdiction: (Reference: 33 CFR parts Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving	s 328 and 329)    High Tide Line indicated by:   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:
	other:  Mean High Water Mark indicated by:	
	☐ survey to available datum; ☐ physical markings; Wetland boundaries, as shown on the attached wetland	L vegetation lines/changes in vegetation types.  d delineation map and/or in a delineation report prepared by:
Bas	Waste treatment systems, including treatment p Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w Water-filled depressions created in dry land inc. the purpose of obtaining fill, sand, or gravel unl abandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to interest the same property of the same propert	asis of 33 CFR part 328.3(a)(3). It the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. It is and/or diking dry land to collect and resuch purposes as stock watering, irrigation, settling basins, or a small ornamental bodies of water created water for primarily aesthetic reasons. It is and until the construction activity and pits excavated in dry land for less and until the construction or excavation operation is sets the definition of waters of the United States found at 33 CFR rerstate commerce.  Natural Resources Conservation Service. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINA Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the ap This office concurs with the delineation report, date This office does not concur with the delineation reports sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Outlier of the Corps of t	che applicant. pplicant. ed , prepared by (company): cort, dated , prepared by (company):  Onalaska s:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-18/77

# PROJECT LOCATION INFORMATION:

State: Texas

County: Harris/Liberty

Center coordinates of site (latitude/longitude): (1) 29.8073N; 95.7570W (2) 29.8092N; 95.7548W (3) 29.9820N;

95.4584W (4) 30.1206N; 94.8770W (5) 30.1212N; 94.8737W (6) 30.1217N; 94.8670W

Approximate size of area (parcel) reviewed, including uplands: 1.35 acres.

Name of nearest waterway: South Mayde Creek/Long John Creek

Name of watershed: Buffalo Bayou/Sabine River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 Jan 06

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-18177

1	ateral I	Extent of Invindictions (D. Communications and		FILE NUMBER: D-1817
Ī	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and inary High Water Mark indicated by:		
***	n Ö	clear, natural line impressed on the bank	Hig	h Tide Line indicated by:
	Ħ	the presence of litter and debris	님	oil or scum line along shore objects
	$\Box$	changes in the character of soil	님	fine shell or debris deposits (foreshore)
	ñ	destruction of terrestrial vegetation	H	physical markings/characteristics
	$\Box$	shelving	H	tidal gages other:
		other:	Ц	outer:
	Mear	n High Water Mark indicated by:		
	☐ sı	urvey to available datum; Dhysical markings; vegeta	tion	lines/changes in vegetation types.
	Wetl	and boundaries, as shown on the attached wetland delineati	on n	nap and/or in a delineation report prepared by:
Ba	asis For	Not Asserting Jurisdiction:		
	Unah	eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328(a)(		
		quarters declined to approve jurisdiction on the basis of 33	1, 2,	, or 4-7).
	The (	Corps has made a case-specific determination that the follow	CFK	part 328.3(a)(3).
200000	Unite	ed States:	ving	waters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or la	onni	ns nursuant to 32 CED nort 220 2
		Authority irrigated areas, which would revert to unland	if the	e irrigation ceased
		Artificial lakes and ponds created by excavating and/or d	ikins	g dry land to collect and
		retain water and which are used exclusively for such purp	oses	s as stock watering, irrigation, settling basins or
		rice growing.		
		Artificial reflecting or swimming pools or other small orr	ame	ental bodies of water created
		by excavating and/or diking dry land to retain water for p	rima	rily aesthetic reasons
	Ц	Water-filled depressions created in dry land incidental to	cons	struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the definition 328.3(a).	ntil ti nitio	he construction or excavation operation is n of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate cor	nma	roa
		Prior converted cropland, as determined by the Natural Ro	Sou	rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry Other (explain):	and.	. Explain rationale:
DATA I	RVIEV	WFD FOD HIDSIDICTIONAL DETERMINATION	_	
Ø	Maps,	WED FOR JURSIDICTIONAL DETERMINATION (mplans, plots or plat submitted by or on behalf of the application)	ark	all that apply):
<u>*</u>	Data sl	heets prepared/submitted by or on behalf of the applicant.	III.	
-	Ih	is office concurs with the delineation report, dated	ren	ared by (company):
********	∐ Th	his office does not concur with the delineation report, dated	or ope	, prepared by (company):
<u> </u>	Data si	heets prepared by the Corps.		, propuled by (company).
<u> </u>	Corps'	navigable waters' studies:		
	U.S. G	eological Survey Hydrologic Atlas:		
	U.S. G	eological Survey 7.5 Minute Topographic maps:		
	U.S. G	eological Survey 7.5 Minute Historic quadrangles:		
	U.S. G	eological Survey 15 Minute Historic quadrangles:		
	Nations	Natural Resources Conservation Service Soil Survey: al wetlands inventory maps:		
	State/I	ocal wetland inventory maps:		
Ē	FEMA	/FIRM maps (Map Name & Date):		
	100-yea	ar Floodplain Elevation is: (NGVD)		
	Aerial I	Photographs (Name & Date):		
100	Other p	hotographs (Date):		
	Advanc	ed Identification Wetland maps:		
<u> 2</u>	Site vis	it/determination conducted on:		
	Applica	able/supporting case law:		
	Other in	nformation (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 24063

### PROJECT LOCATION INFORMATION:

State: Texas County: Walker

Center coordinates of site (latitude/longitude): Lat: 30.51.00 Long: 95.24.51

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Lake Livingston Name of watershed: Trinity River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 January 2006

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

τ.	Acrol Entert of J. 11 d. (D. C.
La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Riverside  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:
	Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** SWG-06-14-001

### PROJECT LOCATION INFORMATION:

State: Texas
County: Montgomery

Center coordinates of site (latitude/longitude): Start: Lat: 30.13.20 Long: 95.34.05 End: Lat: 30.14.18 Long:

95.27.32

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Numerous Creeks and Tributaires to the San Jacinto River

Name of watershed: San Jacinto River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s) Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date: 25 January 2006

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is a linear transportation project. It crosses numerous named creeks and associated wetlands. Please see File No. D-14125 for the wetland delineation.

**FILE NUMBER: SWG-06-14-001** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Keenan, Cowl Spur, Conroe, Magnolia East, Oklahoma, Tamina, Roase Hill, Tomball, Spring, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Please See File D-14125

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-18159

<b>PROJE</b>	CT LOCATIO	N INFORMATION:		
Stat		as		
Cou	inty: Star			
Cen	ter coordinates	of site (latitude/longitude	e):	26-33-14.88 99-9-38.28
			including	g uplands: approx. 1 acres.
		aterway: Rio Grande		
Nan	ne of watershed	d: Rio Grande		
JURISD	ICTIONAL D	ETERMINATION		
		ktop determination	X	Date: 26 January 2006
	-	visit(s)	⊠ ⊓	Date(s):
	Site	, visit(s)		Date(s).
Jur	isdictional Det	termination (JD):		
				, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
	United States'	" and/or "navigable water	s of the U	Inited States" on the project site. A preliminary JD is not appealable
	(Reference 33	3 CFR part 331).		
NZI	A 4 ID	A.,		(D-f
$\boxtimes$	Check all that		ірреатавте	e action (Reference 33 CFR part 331).
	Check all that	appry.		
	There are	"navigable waters of the	United St	ates" (as defined by 33 CFR part 329 and associated guidance) within
		area. Approximate size o		
			-	
				defined by 33 CFR part 328 and associated guidance) within the
	reviewed area	<ol> <li>Approximate size of ju</li> </ol>	risdiction	al area:
	TI	":1-4- d		to viotana an viotanda" viithin the navioviad area
				tte waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
		Jurisdiction.	i by SWA	NCC/Migratory Bird Rule information sheet for Determination of NC
		Julisaiction.		
BASIS (	OF JURISDIC	TIONAL DETERMINA	ATION:	
A.	Waters defin	ed under 33 CFR part 3	329 as "na	avigable waters of the United States":
	The presence	of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
	the past, or m	ay be susceptible for use	to transpo	ort interstate or foreign commerce.
B.				s "waters of the United States":
				used, or were used in the past, or may be susceptible to use in
_				ters which are subject to the ebb and flow of the tide.
		nce of interstate waters in		
3				te lakes, rivers, streams (including intermittent streams), mudflats,
				et meadows, playa lakes, or natural ponds, the use, degradation or
				merce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
rsa.		on are or could be used to nents of waters otherwise		al purposes by industries in interstate commerce.
붊		nents of waters otherwise nce of a tributary to a wat		
		nce of a tributary to a war	er identili	ιου III (1) ( <del>1)</del> αυστο.
**			to other s	waters of the US, except for those wetlands adjacent to other wetlands.
ائنا	(1) The presen	nee or wendings adjacem	to other v	raters of the ob, except for those retidines adjacent to other retidines.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

_	FILE NUMBER: D-1813
Lat	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank  I changes in the character of soil  I destruction of terrestrial vegetation  Shelving  Ordinary High Water Mark indicated by:  I High Tide Line indicated by:  Oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
$\boxtimes$	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Falcon Village  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional wetlands inventory maps: Falcon Village  State/Local wetland inventory maps: Falcon Village  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Starr County, Texas Community Panel No. 480575 0006A July 1, 1987 100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG

F	IL	E	NUM	BER:	SW	G-06-	14-005

PROJECT LOCATI	ON INFORMATION:
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State:

Texas

County: Harris

29.9925N; 95.5533W

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Cypress Creek Name of watershed:

Cypress Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 26 January 2006 Date(s):

Site visit(s)

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \_ there appear to be (or) \_ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

# Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-06-14-005 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Satsuma, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

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Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

			2			
FILE NUM	MBER:	D-17865				
Later  C C C C C C	clear, natural the presence changes in th	sdiction: (Reference: 33 ater Mark indicated by: line impressed on the ba of litter and debris e character of soil f terrestrial vegetation		High Tide Lin  oil or so  fine she	ne indicated by: rum line along shore Il or debris deposits markings/character ges	(foreshore)
<b>M</b> M	lean High Water I survey to availa	Mark indicated by: able datum;  physical:	markings; 🛛 vegeta	tion lines/char	nges in vegetation to	vnes
		s, as shown on the attach				
I Th Ur He I Th	nable to confirm to adquarters decline Corps has madnited States:  Waste treatre Artificially in Artificial laware rice growing Artificial refuse water-filled the purpose abandoned a 328.3(a).  Isolated, introprior converti	consists entirely of upland the presence of waters in the presence of waters in the death of approve jurisdictions a case-specific determination of the presence of waters in the presence of waters in the presence of a case-specific determination of the presence of the p	33 CFR part 328(a)( n on the basis of 33 ( nation that the follow reatment ponds or la uld revert to upland excavating and/or di sively for such purp ols or other small orn to retain water for pi y land incidental to o gravel unless and un water meets the defir exus to interstate con ed by the Natural Re	crimg waters programs are in grown, pursual if the irrigation king dry land oses as stock warmental bodie imarily aesthe construction at til the construction of water marce.	nt to 33 CFR part 33 nceased. to collect and watering, irrigation, so of water created etic reasons. ctivity and pits excaction or excavation so of the United State	28.3. settling basins, or avated in dry land for operation is es found at 33 CFR
Data Data Corp U.S. U.S. U.S. USD Natio State FEM 100- Adva Adva Site v	A Natural Resoupenal wetlands in wetlands in Wellands	ers' studies: ey Hydrologic Atlas: ey 7.5 Minute Topograph ey 7.5 Minute Historic qu ey 15 Minute Historic qu rces Conservation Servic entory maps: Harmastor entory maps: Map Name & Date):505 a Elevation is: Jame & Date): 1930 BW, ate): Site photos on Wetland maps: n conducted on:	pehalf of the applicant. If of the applicant. Eport, dated _Oct 7, 2 eation report, dated _ nic maps: nadrangles: nadrangles: Harmasto ne Soil Survey: Harri	nt. 2005, prepared , pr , pr n s County Soil	l by (company): Bei epared by (compan	rg Oliver y):

Other information (please specify): Consultant's report Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG FILE NUMBER: SWG-06-14-002

PE	n	IF	CT	T	OCA	TIC	M	INFO	DM	ATION:
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State: Texas County: Harris

Center coordinates of site (latitude/longitude): Lat: 29.33.07 Long: 95.06.43

Approximate size of area (parcel) reviewed, including uplands: 0.45 acres.

Name of nearest waterway: Cow Bayou Name of watershed: Clear Creek

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s) Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Date: 27 January 2006

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-06-14-002 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: League City U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 24079** 

	PR	OJE	CT I	OCA'	TION	INFORM	MATION:
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State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29.5323N; 95.0089W

Approximate size of area (parcel) reviewed, including uplands: 7 acres.

Name of nearest waterway: Galveston Bay Name of watershed:

Galveston Bay

# JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 27 January 2006

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limit the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 24079

	Lateral	Extent of Jurisdiction: (Deference, 22 CED	220 12	•	FILE NUMBER: 240
I	Or	<b>Extent of Jurisdiction:</b> (Reference: 33 CFR parts dinary High Water Mark indicated by:			
*		all and the state of the state		Higl	h Tide Line indicated by:
	님	clear, natural line impressed on the bank			oil or scum line along shore objects
	ᆜ	the presence of litter and debris		$\sqcap$	fine shell or debris deposits (foreshore)
		changes in the character of soil		Ħ	The shell of debtis deposits (foreshore)
	$\Box$	destruction of terrestrial vegetation		$\vdash$	physical markings/characteristics
	片			$\sqcup$	tidal gages
	닏	shelving		П	other:
		other:		_	
	<b>]</b> Mea	an High Water Mark indicated by:	_		
		survey to available datum; physical markings; [			
	<b>W</b> ei	tland boundaries, as shown on the attached wetland	delineatio	n m	ap and/or in a delineation report prepared by:
В	asis Fo	r Not Asserting Jurisdiction:			
	The	reviewed area consists entirely of uplands			
	Una	ble to confirm the presence of waters in 33 CFR par	rt 328(a)(1	1 2	or 4.7)
	Head	dquarters declined to approve jurisdiction on the base	-i£22.6	, 4,	01 4-7).
	The	Corns has made a core and if the day	SIS OF 33 (	rk	part 328.3(a)(3).
<b></b>		Corps has made a case-specific determination that ted States:	the follow	ing v	waters present on the site are not Waters of the
		States.			
	님	Waste treatment systems, including treatment po	onds or lag	goon	s, pursuant to 33 CFR part 328.3.
		in thickery fingated areas, which would revert to	o unland i	f the	irrigation cased
	$\Box$	Attiticial takes and ponds created by excavating	and/or dil	kino	dry land to collect and
		retain water and which are used exclusively for s	such nurn	JCAC	as stock watering imigation will at
		rice growing.	ouen purp	JSCS	as stock watering, irrigation, settling basins, or
	_	Artificial reflecting or swimming pools or other:	small orna	amer	ital bodies of water created
		by excavating and/or diking dry land to retain wa	ater for pr	imar	ily aesthetic reasons.
	ш	water-inted depressions created in dry land incidence	dental to c	onst	truction activity and nite avacuated in In. I I c
		are purpose of obtaining fin, said, of gravel line	ess and un	til th	le construction or evacuation amonation :-
		abandoned and the resulting body of water meets	the defin	ition	of waters of the United States Sand at 22 CDD
		328.3(a).	the delin	шоп	of waters of the Officed States found at 33 CFR
			4-4.		
	Ħ	Isolated, intrastate wetland with no nexus to inter	rstate com	mer	ce.
	ш	Prior converted cropland, as determined by the N	latural Res	sour	ces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated			
		Other (explain):	on ary n	uiu.	Explain fationale.
TO A TO A	D T 1 1 1 1 1				
DAIA	KEVIE	WED FOR JURSIDICTIONAL DETERMINAT	ΓΙΟΝ (ma	ırk a	all that apply):
	iviaps	, plais, plots of plat submitted by or on behalf of the	e annlican	t.	
	Data :	sneets prepared/submitted by or on behalf of the apr	olicant		
	□ T	his office concurs with the delineation report, dated		rana	red by (company):
	ПТ	his office does not concur with the delineation repo	, p.	сра	• • • • • • • • • • • • • • • • • • • •
	Data	sheets prepared by the Corps.	rt, dated		, prepared by (company):
<u> </u>	Como	2 maria al la comps.			
-300 -300	Corps	'navigable waters' studies:			
20	U.S. C	Geological Survey Hydrologic Atlas:			
M	U.S. C	Geological Survey 7.5 Minute Topographic mans: L.	eague Cit	v Te	2020
23	U.S. C	Geological Survey 7.5 Minute Historic quadrangles:	ougue Cit	,, 1	, AdS
	U.S. C	Geological Survey 15 Minute Historic quadrangles:			
	LISDA	Natural Pagaurage Conservation Control of the			
220	Nation	Natural Resources Conservation Service Soil Surv	ey:		
925 ************************************	Natior	nal wetlands inventory maps:			
	State/I	Local wetland inventory maps:			
	FEMA	VFIRM maps (Map Name & Date):			
<b>83</b>	100-ye	ear Floodplain Elevation is: (NGVD)			
	Aerial	Photographs (Name & Date):			
	Other	nhotographs (Data):			
66.6 708	Other)	photographs (Date):			
	Advan	ced Identification Wetland maps:			
	Site vi	sit/determination conducted on:			
	Applic	able/supporting case law:			
188	Other i	information (please specify):			
	Suite 1	mornation (picase specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: 24078** 

### PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29.8284N; 95.0845W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: San Jacinto River San Jacinto River Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 27 January 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 24078** 

Extent of Jurisdiction: (Reference: 33 CFR pa linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
n High Water Mark indicated by: survey to available datum;   physical marking	gs;  vegetation lines/changes in vegetation types.
land boundaries, as shown on the attached wetle	and delineation map and/or in a delineation report prepared by:
Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excaval retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or of by excavating and/or diking dry land to retain Water-filled depressions created in dry land if the purpose of obtaining fill, sand, or gravely abandoned and the resulting body of water made 328.3(a).  Isolated, intrastate wetland with no nexus to interest and including the same area.	e basis of 33 CFR part 328.3(a)(3).  that the following waters present on the site are not Waters of the at ponds or lagoons, pursuant to 33 CFR part 328.3.  The to upland if the irrigation ceased.  The ting and/or diking dry land to collect and after such purposes as stock watering, irrigation, settling basins, or  ther small ornamental bodies of water created and water for primarily aesthetic reasons.  The incidental to construction activity and pits excavated in dry land for  The ting and until the construction or excavation operation is  The ting are the ting at the ting
Non-tidal drainage or irrigation ditches excav Other (explain):	rated on dry land. Explain rationale:
WED FOR JURSIDICTIONAL DETERMING plans, plots or plat submitted by or on behalf of the sheets prepared/submitted by or on behalf of the shis office concurs with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, do his office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not report with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not report with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis office does not concur with the delineation report, dhis offi	of the applicant. c applicant. ated , prepared by (company): report, dated , prepared by (company): s: Highlands, Texas cles:
the state of the s	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  In High Water Mark indicated by: urvey to available datum; physical marking and boundaries, as shown on the attached wetled to confirm the presence of waters in 33 CFR quarters declined to approve jurisdiction on the Corps has made a case-specific determination the distance of water and which are used exclusively rice growing.  Artificially irrigated areas, which would reveat Artificial lakes and ponds created by excaval retain water and which are used exclusively rice growing.  Artificial reflecting or swimming pools or ot by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravely abandoned and the resulting body of water may 328.3(a).  Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavalother (explain):  WED FOR JURSIDICTIONAL DETERMING plans, plots or plat submitted by or on behalf of the inso office concurs with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the delineation report, do in office does not concur with the deli

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-17936

### PROJECT LOCATION INFORMATION:

State: TX County: Jackson

Center coordinates of site (latitude/longitude): 28° 53' 11"N, 96° 31' 22"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands: acres

Name of nearest waterway: Lake Texana

Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 101/26/80 01 127) 06
Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

335

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There not any waters on the site.

2 FILE NUMBER: D-17936 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 & 2003

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-18200

# PROJECT LOCATION INFORMATION:

State:

Louisiana

County:

Cameron Parish

Center coordinates of site (latitude/longitude):

29.9844N; 93.7796W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Sabine Lake Name of watershed:

Sabine Lake

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 27 Jan 06

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
    - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	teral l	Extent of Jurisdiction: (Deference, 22 CED 200		FILE NUMBER: D-18200
	Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and inary High Water Mark indicated by:	329)	)
B		alon material I	Hig	gh Tide Line indicated by:
	H	clear, natural line impressed on the bank		oil or scum line along shore objects
	H	the presence of litter and debris		fine shell or debris deposits (foreshore)
	닏	changes in the character of soil	$\Box$	physical markings/characteristics
	Ц	destruction of terrestrial vegetation	Ħ	tidal gages
		shelving	H	other:
		other:	ш	, ouler.
	Mear ☐ si	n High Water Mark indicated by: urvey to available datum;	. <b>4</b> :	Harrist .
S	***************************************	and boundaries, as shown on the attached wetland delineati	on n	nap and/or in a delineation report prepared by:
	The re Unab Header The C Unite	Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328(a)(quarters declined to approve jurisdiction on the basis of 33 Corps has made a case-specific determination that the followed States:  Waste treatment systems, including treatment ponds or la Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or d retain water and which are used exclusively for such purprice growing.  Artificial reflecting or swimming pools or other small orreby excavating and/or diking dry land to retain water for p Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and ur abandoned and the resulting body of water meets the defin 328.3(a).  Isolated, intrastate wetland with no nexus to interstate con	CFR ving good if the iking coses ame rima constitution me	R part 328.3(a)(3). g waters present on the site are not Waters of the ons, pursuant to 33 CFR part 328.3. he irrigation ceased. g dry land to collect and s as stock watering, irrigation, settling basins, or hental bodies of water created harrily aesthetic reasons. he struction activity and pits excavated in dry land for he construction or excavation operation is on of waters of the United States found at 33 CFR
		Prior converted cropland, as determined by the Natural Re	sou	rce. rces Conservation Service. Explain rationale:
		Non-tidal drainage or irrigation ditches excavated on dry l Other (explain):	and.	. Explain rationale:
	Data sh Th Th Data sh Corps' J.S. Ge	is office does not concur with the delineation report, dated leets prepared by the Corps.  navigable waters' studies:  cological Survey Hydrologic Atlas:	nt. orepa	ared by (company): , prepared by (company):
	J.S. Ge	cological Survey 7.5 Minute Topographic maps: West of G	een	s Bayou, Louisiana
J 💹 U	).b. GC	ological Survey /.5 Minute Historic quadrangles.		5 Dayou, Bouisiana
J	J.S. Ge	cological Survey 15 Minute Historic quadrangles:		
J 🏢	JSDA 1	Natural Resources Conservation Service Soil Survey:		
M N	lationa	il wetlands inventory maps:		
	tate/I	ocal wetland inventory maps:		
E C	ENAA	FIDM mana (Man N		
1 1	∪∪ 1:ΣΙΛΙΈΥ\]	FIRM maps (Map Name & Date):		
	oo-yea	r Floodplain Elevation is: (NGVD)		
A	eriai P	Photographs (Name & Date):		
0	ther pl	hotographs (Date):		
U U U U U U U U U U U U U U U U U U U	dvance.	ed Identification Wetland maps:		
	ite visi	t/determination conducted on:		
A	pplical	ble/supporting case law:		
<b>0</b>	ther in	formation (please specify)		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION ·

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-18160

### PROJECT LOCATION INFORMATION:

State:

TX

County: Wharton

Center coordinates of site (latitude/longitude):

787373 E & 3227765 N and 220739 E & 3240768 N

acres.

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Colorado & San Bernard River

Name of watershed:

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

**X** 

Date: 01/26/06

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The locations of the crossing on these 2 waterways are listed as being within a navigable section of the Rivers

2 FILE NUMBER: D-18160 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 & 2003

shelving

other:

United States:

rice growing.

328.3(a).

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): SWG Navigable water list

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-18160

### PROJECT LOCATION INFORMATION:

State:

TX

County: Matagorda, Wharton, & Fort Bend

Center coordinates of site (latitude/longitude): (See attached pages)
Approximate size of area (parcel) reviewed, including uplands: acres

Name of nearest waterway: numerous

Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 01/26/06

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\boxtimes$  there appear to be (or)  $\boxtimes$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are numerous waters of the US (surface tributary systems and adjacent wetlands) as well as numerous isolated waters/wetlands and upland drainage ditrches within the proposed project ROW.

L	ateral Extent of Jurisdiction: (Reference: 33 CFR parts	FILE NUMBER: D-18160
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris	High Tide Line indicated by:  oil or scum line along shore objects
	changes in the character of soil	fine shell or debris deposits (foreshore)
	destruction of terrestrial vegetation	physical markings/characteristics tidal gages
	shelving other:	other:
	other.	
L	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; [	☐ vegetation lines/changes in vegetation types.
2		delineation map and/or in a delineation report prepared by:
Ba	The Corps has made a case-specific determination that a United States:  Waste treatment systems, including treatment por Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for some rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water and water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unlead abandoned and the resulting body of water meets 328.3(a).  Isolated, intrastate wetland with no nexus to interpretations.	sis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. dental to construction activity and pits excavated in dry land for the state of the until the construction or excavation operation is at the definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated Other (explain):	
	Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the app This office concurs with the delineation report, dated This office does not concur with the delineation report Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17	e applicant. plicant.  i , prepared by (company): prt, dated , prepared by (company):
	Applicable/supporting case law: Other information (please specify): see attachment	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# **D-18160**

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(PAGE 1)

	GITTE ID	70) 10	Taran en on	T =	
	SITE ID	ZONE	NAME OF	EASTING	NORTHING
		14	WATERWAY	- 5-4	- 100010
	2	14	SIPHON	787497	3190240
	3	14	DITCH	787207	3190616
	4	14	SIPHON	786329	3191795
	5	1	SIPHON	785983	3192273
	6		POND	7-857-04	3192649
	7		LEVEED DITCH	784885	3193756
	8	1	DITCH	7 84311	3194543
	9	12	WILSON CREEK	783514	3195615
	10		TRIB TO WILSON	782483	3197048
			CREEK		
	41	14	WILSON CREEK	782234	3197393
	12*		WILSON CREEK	781965	3197744
	13		SIPHON	781843	3197891.
	14		LEVEED DITCH	180401	3199694
	15		DITCH	J-9820	3200188
	16		DITCH	779557	3200817
	17		LEVEED DITCH	779251	3201432
	18:		HEAD WATER	779022	3201676
	<b>49</b>		HEAD WATER	778478	3202281
	20		DITCH	778143	3202662
	21		TRIB TO TRES		
			PALACIOS	77 6863	3204125
	22:		TRES PALACIOS	77-64-57	3204263
	23.	7	HEADWATER TO		
			JUANITA CREEK	7-74923	3206360
	24	1	HEADWATERS TO		_
			JUANITA CREEK	774842	3206421
	25		HEADWATER TO		
			JUANITA CREEK	773369	3208087
	<b>,2</b> 6		DITCH ?????	773130	32 08377
اء	27		DITCH	772022	3209672
•	28		JUANITA CREEK	771504	32 10210
	29		HEADWATER TO		
			JUANITA CREEK	77 0656	3211602
	<b>30</b> .		HEADWATER TO	·	
			JUANITA CREEK	770158	3212481
	31		JUANITA CREEK	71697110	3.214467
	.32	]	JUANITA CREEK	770483	3215097
	<b>3</b> 3		HEAD WATER	777388	3216774
	34*	14	HEADWATER	773541	3217780

MATALOGIA

Marjor

Hellow = surface tributory and/or adjacent wetland? Preliminary
Determination

		D-1811		
<b>*3</b> 5	14	HEADWATER	EAST	HEGON
36	14	HEADWATER		
37	14	DITCH??????	MACRIO	
38	1	DITCH	7752108	3219223
39!		TRES PALACIOS	7760550	3219 998
40	1	DITCH ??????	776461	3220 66
41	11	DITCH	778620	3222201
42	1	HEAD WATER	773788	3272501
43	1	HEAD WATER	77071	3222+91
44	1	PIERCE CANAL	779362	3222 832
45	1/	BLUE CREEK	149930	5223300
46		DITCH	121743	3224529
47	1	DITCH ?????	196910	3292138
48.	1	HEADWATER TO DRY	783685	13025570
distriction.		CREEK		296777
49.	1/	HEAD WATER OF	783969	3713735
85 f. r.		TRIB TO COLORADO		
		RIVER	78517	2m 7d
<b>50</b> ·	1)	HEADWATER OF	10000	307/3/59
	/	TRIB TO COLORADO		
	(	RIVER	785717	3226800
14		COLORADO RIVER	181712	32275-5
52		WETLAND	787794	3228005
53	14	POND	1-88731	377 810465
4 405	14	DITCH?????	188870	3278512
55	14	LEVEED DITCH	790229	2710 422
6	14	HEAD WATERS	790710	2229141
7.	世14	HEAD WATERS	791640	3230234
<b>8</b> :	15	HEAD WATERS	209525	22219/12
9,	15	HALE CREEK	OF0618	3231943
0	15	WETLAND	213188	3234579
1		WETLAND	2   3315	25 20 3 1
2		WETLAND	213579	3234854
3		GARDNER CREEK	214295	
4		CANEY CREEK	216866	3235301 3237221
5		HEAD WATER TO		ULST221
		CANEY CREEK	218264	3238197
5	7	HEAD WATER TO		
		CANEY CREEK	219285	3238873
7		LINVILLE BAYOU	219509	3239107
		SALT WATER CANAL	220434	
34.50		SAN BERNARD RIVER	020739	3240006 3240768
		HEAD WATER TO		00-10-100
	15		ळाळ)	324/617
ł		BERNARD		UNTIVIT

FOA V BEND Cowny

tolon - sertare tributers efor a diacont welland-prekminery ID.

# D-18160

,			EAST	HORTE
71		HEAD WATER TO		
	15	TRIB OF SAN		3241922
		BERNARD	221516	2271106
72		HEAD WATER TO		0
	1	TRIB OF SAN	221699	3242069
	(	BERNARD	751011	
73		CEDAR CREEK	223554	3243852
74.		HEAD WATER OF		
		BUFFALO CREEK	224621	3244924
75	17	HEADWATER OF		. 4
		BUFFALO BAYOU	224789	3245066
76		HEAD WATER OF		1
		MOUND CREEK	228253	3248318
77		WETLAND	22934D	3249497
78		WETLAND	7294.31	3249614
79		WETLAND		
		HEADWATER	229563	3249705
80	$\perp L$	WETLAND	229643	3249787
81		WETLAND	229858	3250005
82		HEADWATER OF		
		MOUND CREEK	230579	3250615
83	$\perp L$	WETLAND	231926	3251864
84		HEADWATER	032835	3252590
85		HEADWATER	033871	32 53469
86		STOCK POND	234745	3254256
87		WETLAND	2.35629	32 55505
88	1 7	HEADWATER TO		
<u> </u>		DEER CREEK	235868	3255237
89		WETLAND	236117	3255466
90		WETLAND	236976	3256198
gi'		FAIRCHILD CREEK	811468	3256289
92		HEAD WATER	238977	3254823
93	$\bot$	DITCH	239261	3228107
94	$\perp / $	DITCH	24 0175	3258899
95	1	HEAD WATER	241841	326030
96	)	WORTHINGTON		
	/	LAKE	242237	3260928
97	>	WORTHINGTON		
		LAKE	242542	3260941
98	1)	WETLAND	243101	3241337
99		DITCH	244/88	3262251
100	15	HEADWATER	244564	3262617
101	15	DITCH	24 5123	3263532
102	14	WETLAND	784527	3226063
103	14	HEADWATER JONES	7856AD	3276749

# D-18160

			EX >2	HOWH
		CREEK		7,000
104	14	JONES CREEK	785721	3226795
			101161	2556122